

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 Kentrell Welch,

5 Plaintiff,

6 v.

7 Michael Minev, *et al.*,

8 Defendants.
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Case No. 2:19-cv-01064-GMN-BNW

ORDER re ECF Nos. 203, 213, & 214

11 Before the Court are Plaintiff's motions at ECF Nos. 203, 213, and 214.

12 **I. ECF No. 203**

13 Plaintiff filed a motion entitled "notice of exploitation of discovery by defense." ECF No.
14 203. Defendants responded at ECF No. 209.

15 Plaintiff states that he has not received complete (or "correct") responses to his discovery
16 requests. He seems to be requesting that all Requests for Admission be deemed admitted and that
17 Defendants should be in "default" for not producing documents within 30 days of their request.
18 Beyond that, Plaintiff attaches a variety of different discovery responses submitted by the defense
19 but does not explain how they are deficient (or not "correct"). Lastly, Plaintiff explains the
20 difficulties he has navigating this process without counsel and requests that new counsel (given
21 that he fired previous *pro bono* counsel) be appointed.

22 Defendants respond that the motion is hard to understand and correctly state that Plaintiff
23 does not provide any detail regarding what is insufficient about their discovery productions. In
24 addition, they take the position that they have responded to all requests, including the Requests
25 for Admission.

26 The Court denies this motion as it is unable to identify exactly which are the discovery
27 requests Plaintiff is seeking the Court to compel. As explained in LR 7-2, motions to compel
28

1 discovery “must set forth in full the text of the discovery originally sought and any response to
2 it.” Without this information, the Court cannot proceed any further.

3 Accordingly, **IT IS ORDERED** that ECF No. 203 is DENIED without prejudice. Should
4 Plaintiff wish to re-file this motion, he must first meet and confer with the defense and, if unable
5 to come to a resolution, file a motion that complies with LR 7-2.

6 **II. ECF No. 213**

7 Plaintiff filed a motion entitled “notice of denial of chronic health care.” ECF No. 213.
8 Defendants responded at ECF No. 215.

9 In his motion, Plaintiff strings together several legal principles and facts that seemingly
10 support his claim. As noted in Defendants’ response, it appears that Plaintiff may be attempting to
11 (1) have the Court judicially notice certain facts that (2) do not relate to the underlying complaint.
12 The Court already explained that if Plaintiff is seeking relief that differs from the underlying
13 complaint, he must file a different case. *See* ECF No. 212. Any relief he seeks in relation to those
14 facts must be pursued as a different action.

15 Accordingly, **IT IS ORDERED** that ECF No. 213 is DENIED.

16 **III. ECF No. 214**

17 Plaintiff filed a motion entitled “motion...to provide full medical file.” ECF No. 214.
18 Defendants responded at ECF No. 217.

19 Plaintiff seeks the ability to have his medical records in his cell to properly prepare his
20 case. Defendants characterize the motion as one seeking injunctive relief for events taking place
21 in 2022.

22 Discovery has closed in this case. Thus, any discovery motion would be improper without
23 Plaintiff seeking first to re-open discovery. To the extent Plaintiff is seeking relief unrelated to the
24 underlying complaint, the Court denies the motion. *See* ECF No. 213 Order. To the extent
25 Plaintiff is seeking medical records that have not already been produced to the warden, the Court
26 also denies the relief requested because discovery is now closed.

27 However, because it appears that Plaintiff is requesting the ability to have the medical
28 records already produced to the warden (by way of initial disclosures or subsequent discovery

1 productions) in his own cell so that he can properly prepare for trial, the Court will grant that
2 motion.

3 Defendants cite to AR 707 explaining that Plaintiff may not have medical records in his
4 cell. Yet, it is the Court's understanding (based on Defendants' previous representations in other
5 cases) that, upon court order, plaintiffs may keep medical records in their cells. AR 707(14)
6 appears to suggest that as well. In fact, in an unrelated case (2:19-cv-00512-RFB-BNW, ECF No.
7 72) Defendants have provided such records to a plaintiff despite taking the position that no court
8 order had been issued to that effect. Thus, it appears that the regulation in question is not always
9 followed.

10 There are good reasons for Plaintiff to have any medical records already disclosed or
11 produced to be kept in his cell. Plaintiff must be able to prosecute his Eighth Amendment claim
12 properly. Whatever medical records have been made available to him through the discovery
13 process must be available to him at all times to properly prepare for trial.

14 Thus, the Court grants the motion only as referenced above and denies it in all other
15 respects. Accordingly, **IT IS ORDERED** that ECF No. 214 is GRANTED in part and DENIED
16 in part.


17 **IV. Conclusion and Order**

18 Accordingly, **IT IS ORDERED** that ECF No. 203 is DENIED without prejudice. Should
19 Plaintiff wish to re-file this motion, he must first meet and confer with the defense and, if unable
20 to come to a resolution, file a motion that complies with LR 7-2.

21 **IT IS FURTHER ORDERED** that ECF No. 213 is DENIED.

22 **IT IS FURTHER ORDERED** that ECF No. 214 is GRANTED in part and DENIED in
23 part. It is granted to the extent that whatever medical records have been made available to
24 Plaintiff through the discovery process must be available to him at all times to properly prepare
25 for trial. It is denied in all other respects.

26 DATED: April 28, 2022.

27 
28 **BRENDA WEKSLER**
UNITED STATES MAGISTRATE JUDGE